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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/596,368	06/09/2006	Jens Fiedler	78857.105095	5736
86528	7590	01/07/2010	EXAMINER	
King & Spalding LLP 401 Congress Avenue Suite 3200 Austin, TX 78701			MAWARI, REDHWAN K	
			ART UNIT	PAPER NUMBER
			3663	
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			01/07/2010	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/596,368	<b>Applicant(s)</b> FIEDLER ET AL.	
	<b>Examiner</b> REDHWAN MAWARI	<b>Art Unit</b> 3663	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 23 July 2009.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 June 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)                        | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 19 June 2008 has been entered.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. More specifically, the phrase "can be" renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Townend (5,475,593) in view of Algrain (5,124,938).

Consider claim 1, Townend discloses an arrangement for determining a relative movement of a chassis and a vehicle body of a wheeled vehicle (see at least abstract), said vehicle body being movably connected to the chassis, comprising a measuring entity which is arranged or can be arranged in the wheeled vehicle, wherein the measuring entity is configured to measure three respectively perpendicular linear accelerations of the wheeled vehicle and at least two rotational speeds (see at least FIG. 2), each relating to a rotational movement or a component of a rotational movement about a coordinate axis of the wheeled vehicle, wherein the at least two coordinate axes run perpendicularly to each other (see at least FIG. 2 and FIG. 3A,-3C and at least col. 9, lines 25-39),

and an analysis entity which is combined with the measuring entity and is operable to determine a momentary movement position of the relative movement using the three linear accelerations and the at least two rotational speeds, and without using input from wheel displacement sensors (see at least FIG. 2 and FIG. 3A,-3C and at least col. 9, lines 25-39);

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wherein the analysis entity comprises a calculating unit which is operable to calculate a plurality of momentary movement positions using the at least two rotational speeds and the three linear accelerations, and wherein each of the movement positions is a measure for a distance between the vehicle body and at least one wheel of the chassis ((see at least FIG. 2 and FIG. 3A,-3C and at least col. 9, lines 25-39; however Townend discloses rotational signals derived from the accelerometers sensors (see at least col. 9, lines 25-39); however Townend does not explicitly disclose two rotational sensors. Examiner introduces a secondary reference to teach the missing limitation;

Algrain teaches wherein the analysis entity comprises a calculating unit which is operable to calculate a plurality of momentary movement positions using the at least two rotational speeds and the three linear accelerations (see at least abstract);

Accordingly, it would have been obvious to an ordinary skilled person in the art at the time of the invention to incorporate the invention of Algrain into the invention of Townend for the purpose of improving the stability of the vehicle while the vehicle is subject to rotational motions.

Claims 2-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Townend (5,475,593) in view of Algrain (5,124,938) and further in view of Schiffmann (6,292,759).

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Consider claim 2, Townend in view of Algrain do not explicitly wherein the measuring entity has acceleration sensors for measuring the linear accelerations and rotational speed sensors for measuring the rotational speeds, and wherein the acceleration sensors and the rotational speed sensors are parts of a preprepared hardware unit which is configured for installation in the wheeled vehicle;

Schiffmann teaches wherein the measuring entity has acceleration sensors for measuring the linear accelerations and rotational speed sensors for measuring the rotational speeds, and wherein the acceleration sensors and the rotational speed sensors are parts of a preprepared hardware unit which is configured for installation in the wheeled vehicle (see at least FIG. 3A);

Accordingly, it would have been obvious to an ordinary skilled person in the art at the time of the invention to incorporate the invention of Schiffmann into the invention of Townend in view of Algrain for the purpose of improving the stability of the vehicle while the vehicle is subject to rotational motions.

Consider claim 3, Schiffmann teaches wherein the measuring entity is configured such that the three linear accelerations can be measured as measured variables which are linearly independent of each other (see at least FIG. 3A).

Consider claim 4, Townend in view of Algrain and Schiffmann disclose wherein the measuring entity is configured such that the at least two coordinate

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axes run perpendicularly to each other as a pair in each case (see at least Schiffmann FIG. 4A, and at least Algrain FIG. 3).

Consider claim 5, Townend discloses wherein the analysis entity includes a calculating unit which is configured to calculate the momentary movement position with reference to a spring suspension, in particular a spring suspension which is moderated, between at least one of the wheels of the wheeled vehicle and a vehicle body (see at least abstract).

Consider claim 6, claim 6 is rejected using the same art and rationale used to reject claim 1.

Consider claim 7, claim 7 is rejected using the same art and rationale used to reject claim 2.

Consider claim 8, claim 8 is rejected using the same art and rationale used to reject claim 3.

Consider claim 9, claim 9 is rejected using the same art and rationale used to reject claim 4.

Consider claim 10, claim 10 is rejected using the same art and rationale used to reject claim 5.

Consider claim 11, claim 11 is rejected using the same art and rationale used to reject claim 1.

Consider claims 12 and 13, claims 12 and 13 are rejected using the same art and rationale used to reject claim 2.

Consider claim 14, claim 14 is rejected using the same art and rationale used to reject claim 3.

Consider claim 15, claim 15 is rejected using the same art and rationale used to reject claim 4.

Consider claim 16, claim 16 is rejected using the same art and rationale used to reject claim 5.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Redhwan Mawari whose telephone number is 571 270 1535. The examiner can normally be reached on 7:30 AM - 5PM Mon-Fri Eastern Alt Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack Keith can be reached on 571 272 6878. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

12/29/2009

/R. M./

Examiner, Art Unit 3663

/Tuan C To/

Primary Examiner

December 31, 2009